

A party who wishes to object to a Magistrate Judge’s findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). When a party objects to an R&R, the Court must make a de novo determination as to “any part of the magistrate judge’s disposition that has been properly objected to.” FED. R. CIV. P. 72 (b)(3); *see United States. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989).

Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

Slavit's objections focus on the two different dates connected with his right to sue letter and wholly ignore the Magistrate Judge's instructive discussion of equitable tolling and recommendation that Slavit's claims based on PVA's pre-termination conduct be dismissed without prejudice to repleading. (*See generally* Dkt. No. 37.) PVA's objections appear to forget that, as the movant, PVA had the burden of presenting grounds that would entitle it to a dismissal under Rule 12(c). (*See generally* Dkt. No. 36.) Though dubious whether plausible discrimination- and retaliation-based claims could be pleaded on these facts, the Court has reviewed the R&R de novo and finds that it is in all things correct and should be accepted.

Accordingly, the Court **ACCEPTS** the Magistrate Judge's R&R (Dkt. No. 34) and, for the reasons set forth therein, Defendant Peripheral Vascular Associates, P.A.'s Motion to Dismiss (Dkt. No. 12) is **GRANTED IN PART and DENIED IN PART**. The Motion is **GRANTED** as to Slavits' pre-termination-based claims, which the Court **DISMISSES WITHOUT PREJUDICE**. If Slavits wishes to amend his complaint and include a plausible argument for equitable tolling as to these claims, he may do so within fourteen (14) days after being served with a copy of this Order. Failure to timely amend will result in the dismissal of those claims with prejudice. The Motion is **DENIED** as to Slavits' termination-based claims.

It is so **ORDERED**.

SIGNED this 12 day of December, 2023.



ORLANDO L. GARCIA
United States District Judge